

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

UNITED STATES OF AMERICA	:	NO. 1:04-CR-00080(8)
	:	
	:	
v.	:	OPINION AND ORDER
	:	
	:	
MICHAEL GRANDISON	:	
	:	

This matter is before the Court on Defendant's Motion to Dismiss Petition for Revocation of Supervised Release (doc. 611). Defendant was sentenced by the court to thirty-six months of supervised release to begin on May 3, 2007, and end on May 2, 2010 (docs. 435, 611). On April 30, 2010, the Court ordered an issuance of an Order to Appear and Show Cause (doc. 596), and on July 20, 2010, a Summons to Appear was issued, ordering Defendant to appear for a supervised release revocation hearing (doc. 599).

Defendant argues that, pursuant to 18 U.S.C. § 3583(i), the Court should dismiss the pending petition for revocation of Defendant's supervised release because the summons was not issued during the term of his supervised release (doc. 611). In its response to Defendant's motion, the Government agrees with Defendant's reading of the statute and relevant case law, and suggests that Defendant's motion be granted and his supervised release be noted as terminated (doc. 612).

Section 3583(i) of Title 18 of the United States Code provides in relevant part that the Court's power to revoke a term

of supervised release "extends beyond the expiration of the term of supervised release...if, before its expiration, a warrant or summons has been issued" alleging a violation of the terms of the supervised release. 18 U.S.C. § 3583(i). Here, the summons was issued after the expiration of Defendant's supervised release. Therefore, under the circumstances present here, the plain language of 18 U.S.C. § 3583(i) requires the dismissal of the petition to revoke Defendant's supervised release.

Pursuant to 18 U.S.C. § 3583(i), the Court GRANTS Defendant's Motion (doc. 611) and dismisses the pending motion to revoke Defendant's supervised release, as Defendant's term of supervised release has ended.

SO ORDERED.

Dated: October 5, 2010

/s/ S. Arthur Spiegel
S. Arthur Spiegel
United States Senior District Judge